IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1748 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/09/2004 in WP NO : 12807 OF 2004 on the file of the High Court.)

Between:

Gundu Appala Raju, s/o late Narasimham,
Employee in Visakhapatnam Port Trust, Visakhapatnam.

..... APPELLANT

AND

Station House Officer, Harbour Police Station, Visakhapatnam.

.....RESPONDENT

Counsel for the Appellant:SMT.A.PADMA

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The appellant is questioning the orders passed by learned single Judge dismissing the writ petition.

In the writ petition filed by the appellant, direction was sought against the respondent to register the complaint submitted by the petitioner on 11-12-1999 as FIR and to carry out investigation in accordance with law. Learned single Judge noticed the stand of the respondent that on receipt of the complaint, it was enquired into and was found to be false and frivolous and that no further action was required to be taken. Learned single Judge also noticed the fact that petitioner had already filed writ petition No.24473 of 1999 against four officials and Union of India, which was also dismissed. Petitioner-appellant was in the habit of making complaints against various officials.

We have heard the learned counsel for the appellant. She states that once a complaint was received by the respondent, it was his duty to enquire into the same in accordance with law and register a case.

We have perused the complaint dated 11-12-1999 which reads:

> " I, Gundu Appala Raju, S/o Late Narasimham, Hindu, Telaga – 52 year handed as Organising Secretary "Peoples' Form of Anti-Corruption" Andhra Pradesh, Visakhapatnam (Public Interest non-Government Organisation – Social Services) working as a Yard Foreman, Railway Operating Section, Traffic Department, Visakhapatnam Port Trust residing at Port Quarter No.T/IV/5, Sri Sambamurthy Nagar, Visakhapatnam – 530 008 (Res. Phone No.559877) submits the complaint as follows:
>
> 1. The 210 Members of "The Ore Handling Complex Labour Contract Co-operative Society Ltd. (Regd No.B.1707) are left the Society, on that the Society dissolved/lapsed. The members worked as labourers from 1978 to 1995.
>
> 2. The order 203 youths are formed a Association called as "The Port Spillage Handling Workers Welfare Association (regd.No.1454/95) a Social Services organization in the names of dissolved co-op society Ltd. Members, by the way of "impersonation", only 7 candidates of the original members of the Co.op Society Ltd. Are entered in the newly formed (1995) Association, on that present total strength 203 + 7 = 210, under the guidelines of one of the port Trustee.

3. The impersonated 203 new members are also stating that they are the old members of the co.op society ltd. (B-1707) which is not correct and false. If so their ages should be about above 50 years, but their ages are below 25 years.

4. 203 labourers are impersonally working since 1995 only but not from 1978.

5. The labourers are cheating not only the port but also the society with the support of port trustee.

I request you to kindly take action against the Bogus impersonation labourers of the Association/Co.op Society."

With respect to this complaint, in the counter affidavit filed by the respondent, it was stated:

"….the allegations leveled in the same were found to be false and baseless and as such, no further action was taken on the complaint of the petitioner dated 11-12-1999 by the respondent police station. Further, as evident from the copy of the said present writ petition, the matter relates to civil and internal disputes of the cooperative society and was liable to be adjudicated by the competent Registrar of Cooperative Societies or by a civil court. The petitioner is put to strict proof of making a representation dated 4-1-2000 before the Commissioner of Police, Visakha Society and further action taken by him on the said representation. The petitioner made allegations against the various authorities without implementing (impleading) them in the present writ petition and that too after a lapse of over four years. It is also submitted that undisputedly, no specific complaint against any person, including one Mr.Shivakumar Raju was filed by the petitioner before the police and as such, the question of registering a crime against the said person does not arise at all."

Respondent thereafter in the counter affidavit stated

"…the petitioner who was an employee of Visakhapatnam Port Trust and in view of his disputes with senior officials in service matter, he has started making complaints against the Chairman, Visakhapatnam Port Trust and the Vigilance Officer, Visakhapatnam Port Trust, Sri R.S.Sivakumar Raju before various authorities and the enquiries in respect thereof were conducted by the competent authorities. The petitioner is also an accused in Cr.No.91/2000 under Section 3(x) of SC & ST (Prevention of Atrocities) Act, registered on the file of Visakhapatnam V Town Police Station, basing on the complaint of one Y.Narayana, which was subsequently ended in acquittal vide S.C.No.1 of 2001. During the above said enquiries it is also revealed that W.P.No.24473 of

1999 filed by the petitioner herein earlier as President of Visakha Seva Sangam (Reg.No.227/87) against Port Officials and Union of India, was said to be dismissed with costs and serious observation against the petitioner by this Honourable Court."

In view of what has been stated above, learned single Judge was justified in dismissing such a frivolous writ petition filed by the appellant and we see no ground to issue any further direction in the matter.

Appeal dismissed.

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DEVINDER GUPTA, CJ

16-11-2004

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C.V.RAMULU, J

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To

1. Station House Officer, Harbour Police Station, Visakhapatnam.
2. 2 CCs to the Govt. Pleader for Home, High Court Buildings, Hyderabad (OUT).
3. 2 CD copies.